

REMARKS/ARGUMENT

The Office Action of June 15, 2009 has been reviewed and the comments therein were carefully considered. The present application includes claims 1-22. Claims 1-22 have been rejected by the Examiner. By this response, independent claims 1, 7, and 13 have been amended to recite in various forms that the remote mousing device includes a receiver to receive feedback from the diagnostic imaging system. Further, appropriate claims depending from the independent claims have been amended, where necessary, to reflect the changes in the independent. Such systems and methods are not found in the cited art, as explained below, and, thus, for at least these reasons, claims 1-22 should be allowable.

REJECTIONS UNDER 35 USC § 103(a)

Claims 1-3, 5-8, 11-19, have been rejected under 35 U.S.C. 103(a) as being unpatentable over McCabe et al. (U.S. Patent No. 5,868,676) in view of Gaughan et al. (U.S. Patent No. 5,589, 893) and further in view of Goto. (U.S. Patent No. 5,832,323). Claims 1, 7, and 13 are independent claims. The Applicant traverses this rejection for at least the following reasons.

CLAIM 1

With respect to claim 1, McCabe relates a system and method to input a variable to calculate maximum velocity curve in an ultrasound system. A user interface may be used to alter the input of a percentage used in a formula to calculate the maximum velocity curve. A trackball may be used to select the input P in the ultimate calculation of the maximum velocity curve. (McCabe, col. 8, lns 1-10.) Thus the calculation of the maximum velocity curve is a function of the variable P.

The system of McCabe may include a trackball, but that trackball is simply used to adjust input P, a variable, in the exponent of an equation that is used to calculate S, a scale factor which

is used to fine tune the maximum velocity curve, rather than to remotely transmitting a direct functional command directly to the imaging system as recited in the currently amended claim. (See McCabe, col. 7, lns. 36-40, 59-67.) Thus, in McCabe a setting can be changed in an exponent of an equation. The Office Action asserts: "A function with one set of values is by definition a different function than one with a second set of values." (Office Action, page 5.) Further, the office action asserts that McCabe discloses that the trackball is used to move a delimiter and thereby adjust a time period for a parameter calculation. The Applicant respectfully disagrees.

However, in order to further prosecution of the subject application, Applicant has amended claim 1 to include remotely receiving in said remote handheld track ball device feedback from said medical diagnostic imaging system. Support for this may be found in at least paragraphs 0032 and 0038 of U.S. Published Application No. 2005/0116935

Applicant respectfully submits that nowhere does McCabe disclose a system where feedback is transmitted from a medical diagnostic imaging system to a remote handheld trackball device.

The Office Action asserts that although McCabe does not disclose that the movement is rotational or the device is handheld, Gaughan discloses a remote handheld trackball device that remotely transmits commands. Applicant submits that nowhere does Gaughan disclose a remote handheld trackball device that receives feedback from a diagnostic imaging system.

The Office Action asserts further that while Gaughan nor McCabe disclose that the function changing command is derived from rotational movement, Goto discloses this feature. Applicant submits that nowhere does Goto disclose a remote handheld trackball device that receives feedback from a diagnostic imaging system as claimed in amended claim1.

Thus, for at least these reasons, Applicant submits that McCabe, Gaughan or Goto, taken alone or in theoretical combination, teaches or reasonably suggests all the limitations of claim 1. Claims 2-6 are dependent claims which ultimately depend from independent claim 1 and should be allowable at least for the reasons stated.

CLAIM 7

Currently amended claim 7 recites in part the feature of a receiver for receiving feedback from said medical diagnostic imaging system. As discussed above, nowhere does McCabe disclose a system where feedback is transmitted from a medical diagnostic imaging system to a remote handheld trackball device. Neither Goto nor Gaughan cure the deficiencies of McCabe.

Thus, for at least these reasons, Applicant submits that McCabe, Gaughan or Goto, taken alone or in theoretical combination, teaches or reasonably suggest all the limitations of claim 7. Claims 8-12 are dependent claims which ultimately depend from independent claim 7 and should be allowable at least for the reasons stated.

CLAIM 13

As discussed above, the system of McCabe may include a trackball, but nowhere does McCabe disclose a system where feedback is transmitted from a medical diagnostic imaging system to a remote handheld trackball device. Currently amended claim 13 recites in part a receiver for receiving feedback from said medical diagnostic imaging system. As discussed above, McCabe does not disclose the cited feature in claim 13 of a remote mousing device that includes a receiver for receiving feedback from said medical diagnostic imaging system. Neither Goto nor Gaughan cure the deficiencies of McCabe.

Thus, for at least these reasons, the Applicant submits that McCabe, Gaughan nor Goto, taken alone or in theoretical combination, teaches or reasonably suggest all the limitations of

claim 13. Claims 14-22 are dependent claims which ultimately depend from independent claim 13 and should be allowable at least for the reasons stated.

Therefore, the Applicant respectfully submits that the rejections in the final Office Action have been overcome, and the claims should be allowed over the cited art of record.

CONCLUSION

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

It is submitted that the present application is in condition for allowance. Applicants respectfully request reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of GTC, Account No. 502401.

Dated: August 17, 2009

Respectfully submitted,

/Dennis P. Hackett/

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